

The Wisconsin Department of Transportation adopts an order to amend TRANS 325.02(intro.) and (8), and TRANS 326.01(intro.) and (8), Wisconsin Administrative Code, relating to motor carrier safety regulations.

ORDER ADOPTING RULE**Analysis Prepared by the Wisconsin Department of Transportation**

STATUTORY AUTHORITY: ss. 110.075(6), 194.38(2), 194.43 and 346.45(4), Stats.

STATUTES INTERPRETED: ss. 110.07, 110.075, 194.38 and 194.43, Stats.

General Summary of Rule. This rule making amends two existing chapters to bring them into compliance with changes to the federal regulations which go into effect on January 4, 2004. These changes are as follows:

Chapter Trans 325 adopted motor carrier safety regulations of the United States Department of Transportation in effect on June 1, 2002. This amendment changes the date from June 1, 2002 to January 4, 2004. This change allows Wisconsin to enforce the most recent motor carrier safety regulations. All vehicles operating in interstate commerce are already subject, under federal law, to any changes that have been adopted between June 1, 2002 to January 4, 2004.

Chapter Trans 326 adopted motor carrier safety requirements for transportation of hazardous materials of the United States Department of Transportation in effect on June 1, 2002. This amendment changes the date from June 1, 2002 to January 4, 2004. This change allows Wisconsin to enforce the most recent version of the motor carrier safety requirements for transportation of hazardous materials. All vehicles operating in interstate and intrastate commerce are already subject under federal law to any changes that have been adopted between June 1, 2002 to January 4, 2004.

In addition, the adoption of Trans 325 and 326 gives the Department the authority to use federal standards by which traffic officers and state patrol inspectors declare vehicles and drivers out of service. The offices of the Attorney General and the Revisor of Statutes Bureau have consented to the incorporation by reference of the revised North American Uniform Out-of-Service Criteria under the provision of § 227.21(2), Stats.

Fiscal Impact. The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district, or any federally-recognized tribes or bands.

Final Regulatory Flexibility Analysis. This rule will have no adverse impact on small businesses.

Copies of Rule. Copies of this rule can be obtained, without cost, by writing to Charles Teasdale, Division of State Patrol, 4802 Sheboygan Avenue, Room 551, P. O. Box 7912, Madison, WI 53707-7912, or by calling (608) 266-0305. Alternate formats of the rule will be available to individuals upon request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 110.075(6), 194.38(2), 194.43 and 346.45(4), Stats., the department of transportation hereby amends rules interpreting ss. 110.07, 110.075, 194.38 and 194.43, Stats., relating to motor carrier safety regulations.

SECTION 1. Trans 325.02(intro.) and (8) are amended to read:

Trans 325.02 Federal rules adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on ~~June 1, 2002~~ January 4, 2004, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these rules apply in the same manner as though the regulations were set out in full in this chapter:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the ~~2000~~ 2003 North American uniform out-of-service criteria.

SECTION 2. Trans 326.01(intro.) and (8) are amended to read:

Trans 326.01 Federal rules adopted. (intro.) The following federal motor carrier safety regulations adopted by the United States department of transportation and in effect on ~~June 1, 2002~~ January 4, 2004, are adopted by the department and shall be enforced in relation to those carriers, drivers or vehicles to which these federal rules apply in the same manner as though the regulations were set out in full in this chapter:

(8) Every traffic officer and state patrol inspector employed under the authority of s. 110.07, Stats., is authorized to declare vehicles and drivers out-of-service in accordance with the ~~2000~~ 2003 North American uniform out-of-service criteria.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on January 4, 2004.

Signed at Madison, Wisconsin, this ____ day of
November, 2003.

FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation